

Attorney's Docket No. 5656-28

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Zheng et al. Art Unit: 3762
Serial No. 10/087,340 Examiner: Jeffrey Jastrzab
Filed: March 1, 2002 Confirmation No.: 5048
For: INTER-ATRIAL SEPTUM OR SUPERIOR VENA CAVA ELECTRODES FOR
ATRIAL DEFIBRILLATION

Date: April 14, 2005

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(a)

Sir:

I, Laura M. Kelley, am an attorney of record of the disclaimant, UAB Research Foundation, and am authorized to execute this disclaimer on behalf of UAB Research Foundation. The disclaimant, UAB Research Foundation, having a principal place of business at 701 S. 20th Street, Suite 1120G, Birmingham, Alabama 35294-0111, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded on August 12, 2002, at Reel 013175, Frame 0793.

The disclaimant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision of prior U.S. Patent No. 6,662,045, filed April 6, 2001, as presently shortened by any terminal disclaimer, which patent was assigned to the above-identified disclaimant by an Assignment recorded on March 2, 2001, at Reel 011572, Frame 0683.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that U.S. Patent No. 6,662,045 and the instant application are commonly owned. This agreement runs with any patent granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

In re: Zheng et al.
Serial No.: 10/087,340
Filed: March 1, 2002
Page 2

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 - 156 and §173 of U.S. Patent No. 6,662,045 as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

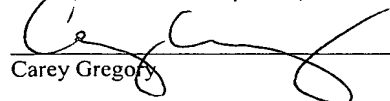


Laura M. Kelley
Registration No. 48,441

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2005.



Carey Gregory



Attorney's Docket No. 5656-28

3762 #5
EW ✓
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Zheng et al. Art Unit: 3762
Serial No. 10/087,340 Examiner: Jeffrey Jastrzab
Filed: March 1, 2002 Confirmation No.: 5048
For: INTER-ATRIAL SEPTUM OR SUPERIOR VENA CAVA ELECTRODES FOR
ATRIAL DEFIBRILLATION

Date: April 14, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$130.00 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

04/19/2005 RXELEM1 00000023 10007340

01 FC:1051

130.00 09

Respectfully submitted,

Laura M. Kelley
Registration No. 48,441

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 14, 2005.

Carey Gregory